

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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STANLEY ELLIS,

Plaintiff,

v.

GOVERNMENT EMPLOYEE INSURANCE
COMPANY, a Maryland
corporation,

Defendant.

NO. 2:22-cv-01580 WBS JDP

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for January 17, 2023, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 The court previously granted defendant's motion for
4 partial judgment on the pleadings as to plaintiff's claim for
5 breach of contract and gave plaintiff leave to amend. (Docket
6 No. 14.) On January 4, 2023, plaintiff filed his First Amended
7 Complaint, reasserting his claim for breach of contract. (Docket
8 No. 16.)

9 No further joinder of parties or amendments to
10 pleadings will be permitted except with leave of court, good
11 cause having been shown under Federal Rule of Civil Procedure
12 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
13 (9th Cir. 1992).

14 III. JURISDICTION/VENUE

15 Jurisdiction over this insurance bad faith action is
16 predicated upon 28 U.S.C. § 1332, because there is complete
17 diversity between the parties and the amount in controversy
18 exceeds \$75,000. Venue is undisputed and hereby found to be
19 proper.

20 IV. DISCOVERY

21 The parties agree to serve the initial disclosures
22 required by Federal Rule of Civil Procedure 26(a)(1) on or before
23 February 17, 2023.

24 The parties shall disclose experts and produce reports
25 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
26 later than August 29, 2023. With regard to expert testimony
27 intended solely for rebuttal, those experts shall be disclosed
28 and reports produced in accordance with Federal Rule of Civil

1 Procedure 26(a)(2) on or before September 29, 2023.

2 All discovery, including depositions for preservation
3 of testimony, is left open, save and except that it shall be so
4 conducted as to be completed by October 30, 2023. The word
5 "completed" means that all discovery shall have been conducted so
6 that all depositions have been taken and any disputes relevant to
7 discovery shall have been resolved by appropriate order if
8 necessary and, where discovery has been ordered, the order has
9 been obeyed. All motions to compel discovery must be noticed on
10 the magistrate judge's calendar in accordance with the local
11 rules of this court and so that such motions may be heard (and
12 any resulting orders obeyed) not later than October 30, 2023.

13 V. MOTION HEARING SCHEDULE

14 All motions, except motions for continuances, temporary
15 restraining orders, or other emergency applications, shall be
16 filed on or before December 15, 2023. All motions shall be
17 noticed for the next available hearing date. Counsel are
18 cautioned to refer to the local rules regarding the requirements
19 for noticing and opposing such motions on the court's regularly
20 scheduled law and motion calendar.

21 VI. FINAL PRETRIAL CONFERENCE

22 The Final Pretrial Conference is set for February 26,
23 2024, at 1:30 p.m. in Courtroom No. 5. The conference shall be
24 attended by at least one of the attorneys who will conduct the
25 trial for each of the parties and by any unrepresented parties.

26 Counsel for all parties are to be fully prepared for
27 trial at the time of the Pretrial Conference, with no matters
28 remaining to be accomplished except production of witnesses for

1 oral testimony. Counsel shall file separate pretrial statements,
2 and are referred to Local Rules 281 and 282 relating to the
3 contents of and time for filing those statements. In addition to
4 those subjects listed in Local Rule 281(b), the parties are to
5 provide the court with: (1) a plain, concise statement which
6 identifies every non-discovery motion which has been made to the
7 court, and its resolution; (2) a list of the remaining claims as
8 against each defendant; and (3) the estimated number of trial
9 days.

10 In providing the plain, concise statements of
11 undisputed facts and disputed factual issues contemplated by
12 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
13 that remain at issue, and any remaining affirmatively pled
14 defenses thereto. If the case is to be tried to a jury, the
15 parties shall also prepare a succinct statement of the case,
16 which is appropriate for the court to read to the jury.

17 VII. TRIAL SETTING

18 The jury trial is set for April 30, 2024 at 9:00 a.m.
19 The parties estimate that the trial will last 7 days.

20 VIII. SETTLEMENT CONFERENCE

21 A Settlement Conference will be set at the time of the
22 Pretrial Conference. All parties should be prepared to advise
23 the court whether they will stipulate to the trial judge acting
24 as settlement judge and waive disqualification by virtue thereof.

25 Counsel are instructed to have a principal with full
26 settlement authority present at the Settlement Conference or to
27 be fully authorized to settle the matter on any terms. At least
28 seven calendar days before the Settlement Conference counsel for


each party shall submit a confidential Settlement Conference Statement for review by the settlement judge. If the settlement judge is not the trial judge, the Settlement Conference Statements shall not be filed and will not otherwise be disclosed to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED

Dated: January 13, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE